

# MONO COUNTY PLANNING COMMISSION

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## SPECIAL MEETING MINUTES

**APRIL 6, 2006**  
**(Adopted May 11, 2006)**

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**Commissioners Present:** Ron Black, Scott Bush, Rick Kattelman, Steve Shipley. **Absent:** Sally Miller

**Staff Present:** Scott Burns, CDD director; Keith Hartstrom & Larry Johnston, principal planners; Greg Newbry, senior planner; Evan Nikirk & Tom Waters, public works; Stacey Simon, deputy county counsel; C.D. Ritter, commission secretary.

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**1. CALL TO ORDER:** Chair Rick Kattelman called the meeting to order at 10:13 a.m.

**2. PUBLIC COMMENT:** No items.

**3. MEETING MINUTES:** Review and adopt minutes of March 9, 2006.

**MOTION:** Adopt minutes of March 9, 2006. (Bush/Shipley. Ayes: 4. Absent: Miller.)

**4. CONSENT AGENDA:** No items.

**5. PUBLIC HEARINGS:**

**A. PARCEL MAP 37-175 EXTENSION/Blackard.** The proposed project would subdivide APN 60-170-06, totaling 1.0 acre, into two residential lots of 20,425 and 20,622 square feet. The project is located in the southwest corner of the community of Crowley Lake on the north side of Juniper Drive. The General Plan designation is Single-Family Residential with a minimum lot size of 15,000 square feet (SFR 15,000). In accordance with Section 15183 of the CEQA Guidelines a prior EIR is being used for a project consistent with the General Plan. *Staff: Keith Hartstrom & Gwen Plummer*

Keith Hartstrom outlined the proposed changes to the map.

**OPEN PUBLIC HEARING:** Fred Stump, Long Valley fire chief, noted that changes to state fire standards in January 2006 were not referenced in the environmental document. Flammable vegetation management has extended from 30' to 100' from structures, or to the property line on smaller lots. Fire hazard severity: All private land in Mono County except Bridgeport is classified "very high hazard." **CLOSE PUBLIC HEARING.**

**DISCUSSION:** Commissioner Black asked why Mono County hadn't incorporated changes in state standards. Stump indicated that on many issues Mono has deferred to Fire Protection Districts, so county staff has not been directed to address them. Now, however, these state mandates need to be considered. This particular lot split was initially approved prior to amendments to the Fire Safe Act. Right now, Mono enforces it on development approvals. In addition, FPDs may choose to adopt the fire code or yet more stringent standards. Stacey Simon suggested a workshop on fire protection and prevention. Commissioner Shipley wondered who is responsible for not complying with existing code. Mono County needs to point out the law, mitigating factors, and deny occupancy. Simon indicated that warnings are good, but the more responsibility assumed, the greater the liability. Both BLM & USFS have authority to do inspections that could lead to a citation for violation of public resources code, but they deny it, so enforcement falls to CDF. Although Mono County might have leverage with the agency, CDF has a personnel shortage.

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DISTRICT #1  
COMMISSIONER  
Rick Kattelman

DISTRICT #2  
COMMISSIONER  
Steve Shipley

DISTRICT #3  
COMMISSIONER  
Ron Black

DISTRICT #4  
COMMISSIONER  
Scott Bush

DISTRICT #5  
COMMISSIONER  
Sally Miller

**MOTION:** Approve the first one-year extension of Tentative Parcel Map 37-175 to Feb. 12, 2007, subject to the previous Conditions of Approval and Mitigation Monitoring Program continued in the staff report. (Shipley/Black. Ayes: 4. Absent: Miller)

**B. USE PERMIT 04-02 MODIFICATION/Banks.** The proposal is to enable the conversion of 1,586 sq. ft. of warehouse space to retail space, as well as outdoor sales on the wall and sidewalk area outside the business, and to provide additional parking off site. This would increase the existing approved retail space from 1,642 to sq. ft to 3,228 sq. ft. The 30,624-square foot lot is located on the east side of Hwy. 395, APN 21-150-23. The unpaved lot requested for off-site parking is located at 43 Fourth St., APN 21-114-06. The project qualifies for a CEQA Class 3 Categorical Exemption. *Staff: Greg Newbry*

Greg Newbry reviewed prior approvals and discussed proposed modifications. Commissioner Black asked about potential policing. Although the proponent does not have a great track record on follow-through of requirements, he indicated he would work with Community Development staff.

**OPEN PUBLIC HEARING:** Banks' agent Darryl Young presented a PowerPoint on the proposed changes for Black Bear/Yosemite Outfitters. Streets are lined with cars going elsewhere, so street sites are not actual parking spaces. Signs directing people to off-site parking should leave no doubt where the lot is located. **CLOSE PUBLIC HEARING.**

**DISCUSSION:** Commissioner Shipley asked what if the extra parking were still needed when the off-site parking expires in two years. Young said Banks proposes a parking deck, but really wants to change Lee Vining parking requirements. Commissioner Shipley was OK with temporary parking and outside display unless complaints arise. Commissioner Bush reminded Young that something will change in two years, regardless, but changing county policy is a matter for the Board of Supervisors. Commissioner Black suggested reducing dust instead of paving. Gravel and lawn now provide ground cover.

**MOTION:** Approve Use Permit 04-02 Modification with approval of outdoor display and off-site non-paved parking with directional signage indicating location, as approved by Community Development staff. (Bush/Shipley. Ayes: 4. Absent: Miller.)

--- Commissioner Bush exited the meeting after break. ---

**C. AMENDMENT #2 TO CROWLEY LAKE ESTATES SPECIFIC PLAN/Boxenbaum.** The proposal would amend the Specific Plan to: 1) delete reference to low-income tax credit (LIHTC) housing, 2) indicate that affordable housing is one of several housing options permitted on the site including market-rate multi-family, condominium townhome, and similar types of housing, 3) clarify provisions that allow housing to be built atop the retail commercial space, 4) delete reference to the day care/educational center and redesignate that site for retail commercial uses, 5) update parking requirements, and 6) make other minor modifications as deemed appropriate during review. An addendum to a certified EIR has been prepared. *Staff: Larry Johnston*

Larry Johnston reviewed the originally approved Specific Plan, and presented the proposed changes and resulting issues. Affordable is defined as \$30,000-\$40,000, and low-income is 120% of the median income.

**OPEN PUBLIC HEARING:** Chuck Boxenbaum, proponent, has built affordable housing in 40 states. He bought the site in view of public need, but lost financing due to delays. When he couldn't get subsidies, he partnered with Mammoth Lakes Housing Inc., but concluded he couldn't get it done. He claimed that affordable housing is a pipe dream unless Mono collects in-lieu fees and donates land. A developer can't bear the entire burden.

Rick Liebersbach, speaking for Willow Brook Road owners, still opposed the project's high density. After a contentious public hearing the Mono Supervisors approved the project because the community needed affordable housing. Water impact was never analyzed or tested. If the proponent wants to revert to market rate, it should be single-family, duplex and triplex units with lower density. Crowley shouldn't be saddled with high density, as many live there to escape it.

Fred Stump, Long Valley FPD, requested a more-comprehensive review. Construction cost is a constraint, especially if delayed. The FPD doesn't care where water comes from as long as it's there. Due to code changes the flow rate requirement has gone up since the original Specific Plan. He suggested revisiting the project's parking, especially adjacent to higher density. Condos across the street, creating more single-family residences in a multi-family residential setting, would include boats, motor homes, motorcycles, etc. that spill over onto the main street. Two newly proposed parking ordinances would mandate no on-street winter parking to expedite snow removal and no nighttime parking along South Landing Road. Boxenbaum's plan shows on-street parking as part of its parking requirement. Speaking then as a citizen, Stump indicated the evolving housing ordinance is a realistic approach that could impose regulations as a condition on any new map.

Kai Day indicated that although people thought they could live with the project, they wouldn't sign a well-testing letter. Water is major issue. The site is now a neighborhood dog-walk area.

Ron Day mentioned that Mammoth Lakes learned that high-country wells are more like a river than a lake.

Supervisor Hap Hazard's comments were based on calls, e-mails, personal contacts and meetings with constituents: 1) Expand scope of testing and pumping to include outlying areas. 2) Current vs. initial project is a density issue. 3) Keep the daycare and education center for a working community. 4) Affordable housing stock is important and makes sense here. 5) Don't go to market rate. Unlike the Mountain Vistas project in Chalfant, the community is united against this project. Further discussion in the community is needed so people can speak for themselves; it's a bit rushed for the community. **CLOSE PUBLIC HEARING.**

**DISCUSSION:** Commissioner Shipley expressed concerns. 1) Water: Initial opposition to the project was due to water issues, as Mono County has to assure water for existing residents. Mountain Meadows, the largest district, ran its tank dry twice during heavy runoff years. Mono County has no jurisdiction over the road by the trailer park, and water runoff and drainage have affected a neighboring property. Water restrictions and meters could control water use, but individual wells have no restrictions. He opposed development without concrete evidence that water is available. 2) Housing: Mono County has a major affordable housing issue, but skirting from low-income to market rate leaves an affordability gap. Only outsiders could afford market rate. 3) Community feedback: Many residents were displeased with the plan change and thought the hearing should have been held in Crowley.

Commissioner Black thought that the project does not contribute to the affordable housing need.

Commissioner Kattelmann couldn't imagine the project as proposed. He thought the best course would be to turn it down and recommend that Mono Supervisors deny it.

**MOTION:** Recommend that the Board of Supervisors deny the Crowley Lake Estates Specific Plan Amendment No. 2, finding it is inconsistent with the Housing Element of the Mono County General Plan. (Black/Shipley. Ayes: 3. Absent: Miller & Bush.)

**6. WORKSHOP:** No items.

**7. REPORTS:**

**A. DIRECTOR:** Mono Supervisors approved Mountain Vistas project in Chalfant and a Tri-Valley cumulative water impact study requested by the commission.

**B. PLANNING COMMISSIONERS: Black:** The June Lake business community held meetings regarding partial June Mountain closure. Starwood bought the ski area, but Intrawest kept the Rodeo Grounds. Intrawest is selling properties elsewhere, but refused an offer here. Business owners showed that a potential three-day closure would enhance ski area profit but result in \$700,000 lost revenue to the business community and \$40,000 to \$80,000 TOT to the county. A ripple effect on employees and residents would result. Most Hispanics work multiple jobs, and cutbacks would extend to other jobs. Tourism events throughout winter could be a last-ditch effort. Black suggested rental-only zones at Rodeo Grounds to assure hot beds. Closure could be all strategy, a game. CEO Rusty

Gregory claimed that removing opportunity would increase demand. **Shipley** countered that removing opportunity removes desire and could lead to loss of everything.

**Kattelmann:** Look into a bargain sale to Mono County or the Housing Authority for a multimillion-dollar tax benefit. Supervisor Hazard suggested building structures, but not buying land.

**8. INFORMATION:** No items.

**9. ADJOURN:** 12:43 p.m.

Respectfully submitted,  
C.D. Ritter, commission secretary